

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

H.E. INDIVIDUALLY AND ON BEHALF
OF H.F, C.E. INDIVIDUALLY AND ON
BEHALF OF D.E., AND M.T.
INDIVIDUALLY AND ON BEHALF OF
T.T.,

Plaintiffs,

v.

WALTER D. PALMER LEADERSHIP
LEARNING PARTNERS CHARTER
SCHOOL AND COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF
EDUCATION,

Defendants.

CIVIL ACTION

NO. 15-3864

FILED
OCT 27 2016
LUCY V. CHIN, Interim Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 27th day of October, 2016, upon consideration of: 1) the Plaintiffs' Motion for Partial Summary Judgment against Defendant Commonwealth of Pennsylvania Department of Education [ECF No. 51], the Defendant's response in opposition thereto [ECF No. 52], and the Plaintiffs' reply [ECF No. 54]; 2) Defendant Commonwealth of Pennsylvania Department of Education's Motion for Summary Judgment [ECF No. 49], the Plaintiffs' response in opposition thereto [ECF No. 53], and the Defendant's reply [ECF No. 55]; and, 3) the Plaintiffs' Motion for Default Judgment against Defendant Walter D. Palmer Leadership Learning Partners Charter School [ECF No. 50], **IT IS HEREBY ORDERED** that:

- (1) The Plaintiffs' Motion for Partial Summary Judgment against Defendant Commonwealth of Pennsylvania Department of Education is **GRANTED IN PART AND DENIED IN**

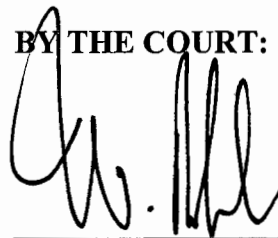
PART. The Hearing Officer's decisions¹ are **VACATED**, and the cases **REMANDED** with instructions to hold due process hearings to determine in the first instance whether Palmer denied Students a FAPE, and if so, in accordance with the concurrently issued Opinion, what remedy, if any, Plaintiffs are owed by Defendant Commonwealth of Pennsylvania Department of Education. Plaintiffs' motion for leave to file a motion for attorneys' fees is **GRANTED**;

(2) The Defendant Commonwealth of Pennsylvania Department of Education's Motion for Summary Judgment is **DENIED**; and,

(3) The Plaintiffs' Motion for Default Judgment against Defendant Walter D. Palmer Leadership Learning Partners Charter School **IS DENIED WITHOUT PREJUDICE**.

Finally, the Clerk is instructed to forward a copy of this Order and Opinion to the Pennsylvania Office of Dispute Resolution.

BY THE COURT:



WENDY BEETLESTONE, J.

¹ The specific Commonwealth of Pennsylvania Office of Dispute Resolution case files are: 1) H.F.'s complaint against Palmer, ODR #16024-1415AS; 2) H.F.'s complaint against PDE, ODR #16025-1415AS; 3) D.E.'s complaint against Palmer, ODR #16022-1415AS; 4) D.E.'s complaint against PDE, ODR #16023-1415AS; 5) T.T.'s complaint against Palmer, ODR #15959-1415AS; and 6) T.T.'s complaint against PDE, ODR #15960-1415AS.